

## **RECORD OF PROCEEDINGS**

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| <b>CALL TO ORDER</b>                                 | A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, January 11, 2010 at 7:00 p.m.  |
| <b>ATTENDANCE</b>                                    | <p>Council Members present: Scott Belt, Lynne Branigan, Melissa Head, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.</p> <p>Mayor Hanafan welcomed Council Member Head to her first City Council meeting,</p>   |
| <b>CONSENT AGENDA</b>                                | Belt and Walsh moved and seconded the approval of the consent agenda. Unanimous.  |
| <b>PUBLIC HEARINGS</b><br>Resolution 10-02           | Held Public Hearing, authorizing disposal of City owned property formerly known as 5 Canning Street lying north of East Pierce and east of Canning Street. Walsh and Schultz moved and seconded approval. Voice Vote: 3 Ayes; 2 Nays (Belt/Branigan).   |
| Resolution 10-03                                     | Held Public Hearing, authorizing disposal of City owned property described as Lot 7, Block 10, Moore's Addition. Walsh and Schultz moved and seconded approval. Voice Vote: 4 Ayes; 1 Nay (Belt).   |
| Resolution 10-04                                     | Held Public Hearing, approving the Plans, Specification, Form of Contract and Cost Estimate for the Broadway Streetscape – Phase II Project, also called Downtown Streetscape – Phase VIII – Broadway. Belt and Branigan moved and seconded approval. Unanimous.  |
| Resolution 10-05                                     | Held Public Hearing, approving the Plans, Specification, Form of Contract and Cost Estimate for the Lower Bennett Rehab – Phase II Project. Belt and Schultz moved and seconded approval. Unanimous.  |
| <b>ORDINANCES ON FIRST READING</b><br>Ordinance 6046 | Belt and Branigan moved and seconded, amending Chapter 13.21 entitled "Property Maintenance Code" by adding a new Section 13.21.086 entitled "Residential Occupancies" which amends the International Property Code Section 602.2, and also amending its Section 13.21.090 entitled "Heat Supply" which amends the International Property Maintenance Code Section 602.3 and setting a Public Hearing for January 25, 2010 at 7:00 p.m. Belt directed staff to eliminate the language regarding the 60 degrees when the temperature is below zero except exemption and also the language needs to be clarified that no portable or space heaters can be utilized to obtain the 65 degree requirement. City Attorney Wade to verify recommended temperature requirement. Unanimous.                              |
| Ordinance 6047                                       | Branigan and Walsh moved and seconded postponement of 1 <sup>st</sup> consideration regarding Ordinance 6047 until January 25, 2010 at 7:00 p.m., amending Title 17 entitled "Housing" by partially amending Section 17.01.010 entitled "Definitions" by amending Subsection #28 entitled "Rental Property" and setting a Public Hearing for January 25, 2010 at 7:00 p.m. Walsh indicated some language needed to be clarified in the Ordinance. In order to support the Ordinance Belt indicated the responsibility of the code enforcement needed to be made clear and a definition of "rental" was also needed. Walsh defined a rental as non-owner occupied. Motion by Schultz, second by Belt, to postpone 1 <sup>st</sup> consideration of Ordinance 6047 until January 25, 2010 at 7:00 p.m. Unanimous. |
| Ordinance 6048                                       | Belt and Head moved and seconded, establishing tap-on fees for the East 29 <sup>th</sup> Avenue Sanitary Sewer Extension as authorized in Chapter 5.25 "Tap-on Fees" and setting a Public Hearing for January 25, 2010 at 7:00 p.m. Unanimous.  |
| <b>RESOLUTIONS</b><br>Resolution 10-06               | Branigan and Belt moved and seconded, authorizing the City Finance Director to take the steps necessary to dissolve the contract and agreements with Stromberg Inc., and enter similar agreements with KRONOS Systems Inc. Unanimous.   |

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- Resolution 10-07  
Belt and Walsh moved and seconded, authorizing the Mayor to execute an agreement with Anderson Excavating Company for the 5<sup>th</sup> Avenue and South 13<sup>th</sup> Street Demolition Project. Unanimous.
- Resolution 10-08  
Branigan and Belt moved and seconded, accepting the work of Anderson Excavating Company in connection with the 28<sup>th</sup> Avenue Extension Project – Grading Improvements and authorizing the Finance Director to issue a City check in the amount of \$3,693.34. Unanimous.
- Resolution 10-09  
Belt and Head moved and seconded, authorizing the Mayor to execute the real estate contract to acquire property located at 4 North 12<sup>th</sup> Street as part of the Mid-City Corridor Project. Unanimous.
- Resolution 10-10  
Walsh and Branigan moved and seconded, authorizing a joint application to the Iowa Department of Economic Development by the Council Bluffs Enterprise Zone Commission and ConAgra Foods Packages Foods, LLC for Enterprise Zone Benefits. Belt indicated he would not be voting in favor of this application; ConAgra is a good corporate citizen and brings viable jobs but added they have the ability to manage properties they've acquired in a different manner than they have at this point. Voice Vote: 4 Ayes; 1 Nay (Belt).
- Resolution 10-11  
Belt and Branigan moved and seconded, authorizing the Mayor to submit an application to Vision Iowa for a RECAT Grant and to enter into a contract if approved. Unanimous.
- Resolution 10-12  
Branigan and Belt moved and seconded, authorizing the Mayor and City Clerk to enter into an agreement and award bid to MFT Construction, Inc., for the Wabash Trace to Bob Kerrey Pedestrian Bridge Trail Rehabilitation Project. Unanimous.
- Resolution 10-13  
Belt and Walsh moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with Ehrhart Griffin & Associates in connection with the 31<sup>st</sup> Street Improvements – Phase IV (Avenue C to Avenue G). Unanimous.
- Resolution 10-14  
Branigan and Belt moved and seconded, accepting the work of Bluffs Electric, Inc., in connection with the US Hwy. 275 Street Lighting Project and authorizing the Finance Director to issue a City check in the amount of \$23,306.74. Unanimous.
- Resolution 10-15  
Schultz and Walsh moved and seconded, authorizing the Mayor and City Clerk to execute a License for Decorative Flags or Banners with Mid-American Energy Co. and approval of the Policy and Procedure. Belt requested staff to verify related costs to hanging/perpetual maintenance of the banners and if that fee is applicable to the resources expended. Unanimous.
- Resolution 10-16  
Belt and Branigan moved and seconded, approving a Labor Contract between AFSCME, Local 2844 and the City of Council Bluffs. Unanimous.
- Resolution 10-17  
Belt and Schultz moved and seconded, authorizing the call and redemption of general obligation bonds for repayment in the amount of \$1,500,000 on June 1, 2010. Unanimous.
- Resolution 10-18  
Walsh and Head moved and seconded, waiving the fees at 617 Mill Street. Belt indicated he could not support the procedure when taxpayers would be made responsible for other property owner's interests. Walsh mentioned this was an exception rather than the rule; the reason the property was in a state of disrepair is a result of extinguishing a fire at the adjacent property and large amounts of water went into the property. Voice Vote: 3 Ayes; 2 Nays (Belt/Branigan).

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### **RECEIVE & FILE ITEMS**

Belt and Walsh moved and seconded the approval of Receive and File Items regarding 7A thru 7D. 7A. Thirteen (13) Notices of Claim; 7B. Cash Balance Statement, November 30, 2009; 7C. List of Bills, November 30, 2009; 7D Salvage Yard/Rubble Dump License Applications (1-8). 7D.1. Alter Metal Recycling, 2603 9<sup>th</sup> Avenue; 7D. 2. CMET, 1201 South 6<sup>th</sup> Street; CMET, 1120 10<sup>th</sup> Avenue; 7D4. Council Bluffs Recycling Center, 4441 Gifford Road; 7D. 5. Heimes Corp., 259 29<sup>th</sup> Avenue. 7D. 6. H-Way 92 Salvage, 3629 Richland Drive; 7D.7. Robert Peters, 1709 10<sup>th</sup> Avenue; 7D.8. Oak Ridge Company of C. B., Iowa. Unanimous.

### **APPLICATIONS FOR PERMITS & CANCELLATIONS**

Belt and Walsh moved and seconded, regarding Item 8A (1). Goofy's, 807 South 21<sup>st</sup> Street. Walsh noted he'd like to review the video before making a decision. Heard from Aaron Rodenburg, 607 South Main Street, Attorney, representing Goofy's. Motion by Belt, second by Branigan, to receive and file documents submitted by Mr. Rodenburg. Walsh noted it's a significant step to recommend to the State of Iowa to revoke a proprietors liquor license. Motion by Walsh, second by Belt, postponing action until January 25, 2010 at 7:00 p.m. for further review of documents and video. Belt mentioned this is only the second time in many years the City Council has considered revoking a liquor license. Voice Vote: 4 Ayes; 1 Nay (Schultz).

Belt and Walsh moved and seconded approval of Beer/Wine & Liquor Permits for Items 8A (2, 3). 8A (2). Target, T2454, 3804 Metro Drive; 8A (3). Woods Sporting Goods, 531 Veterans Memorial Highway and Item 8B (1). Cigarette Permit Application for Darrah's, 3607 9<sup>th</sup> Avenue. Unanimous.

Heard from a concerned citizen, Jennifer Giles, 213 North 30<sup>th</sup> Street.

Heard from James Westphal, 459 Houston Avenue, regarding snow removal.

Council Member Belt welcomed Melissa Head to the City Council and invited any interested citizens to attend a meeting on Thursday regarding the Missouri River and the Corp of Engineers.

### **ADJOURNMENT**

Belt and Schultz moved and seconded adjournment at 7:37 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

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Thomas P. Hanafan,

Mayor

ATTEST:

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Marcia L. Worden,

City Clerk